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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/747,850	12/29/2003		Jens Bendler	BENDLER	2746	
20151	7590	10/25/2004		EXAM	EXAMINER	
		ISEN, LLC	WILSON, LEE D			
350 FIFTH A SUITE 4714				ART UNIT	PAPER NUMBER	
NEW YORK, NY 10118				3723		

**DATE MAILED: 10/25/2004** 

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
050 - 4 - 1' 0	10/747,850	BENDLER ET AL.					
Office Action Summary	Examiner	Art Unit					
	LEE D WILSON	3723					
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the	correspondence address					
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ti y within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS fron , cause the application to become ABANDONI	mely filed ys will be considered timely. n the mailing date of this communication. ED (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on							
	action is non-final.						
· <u> </u>	,—						
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4) Claim(s) <u>1-10</u> is/are pending in the application.							
_	4a) Of the above claim(s) is/are withdrawn from consideration.						
	Claim(s) <u>1-10</u> is/are allowed.						
	Claim(s) is/are rejected.						
	Claim(s) is/are objected to. Claim(s) are subject to restriction and/or election requirement.						
	r election requirement.						
Application Papers							
9) The specification is objected to by the Examiner.							
0)⊠ The drawing(s) filed on <u>29 December 2003</u> is/are: a)□ accepted or b)⊠ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
		` ·					
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex							
		Action of format 10-102.					
Priority under 35 U.S.C. § 119							
<ul> <li>12) △ Acknowledgment is made of a claim for foreign a) △ All b) ☐ Some * c) ☐ None of:</li> <li>1. △ Certified copies of the priority documents</li> <li>2. ☐ Certified copies of the priority documents</li> <li>3. ☐ Copies of the certified copies of the priority</li> </ul>	s have been received. s have been received in Applicat rity documents have been receiv	ion No					
application from the International Bureau * See the attached detailed Office action for a list	, , , ,	nd					
dee the attached detailed Office action for a list	or the certified copies not receive	ea.					
Attachment(s)							
Notice of References Cited (PTO-892)	4) Interview Summary						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail D 5) Notice of Informal R	ate Patent Application (PTO-152)					
Paper No(s)/Mail Date	6) Other:						

U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04)

#### **DETAILED ACTION**

## Ex parte Quayle

1. This application is in condition for allowance except for the following formal matters:

## **Drawings**

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings have poor line quality and elements 10& 16 are not clear; the lead lines pointing to figures are clear and the lead lines for elements 11 and 12 overlap which cause confusion. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Prosecution on the merits is closed in accordance with the practice under *Ex* parte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO**MONTHS from the mailing date of this letter.

Art Unit: 3723

#### Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tamura et al, Plumb, VanDalsem et al, and Smith disclose a device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D WILSON whose telephone number is 703-305-4094. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

October 19, 2004